

Minutes of Special and Regular Meeting of August 14, 2018
One Twin Pines Lane, Belmont, California

SPECIAL MEETING, Third Floor Conference Room 6:00 P.M.

A. CLOSED SESSION

- (1) **Conference With Labor Negotiators (Govt Code Section 54957.6) (Not Held)**
Employee organizations: AFSCME Local 829, Council 57, Belmont Firefighters Association, International Association of Firefighters Local 2400, and Belmont Fire Management Unit. Agency designated representatives: Greg Scoles, City Manager and District Manager
- (2) **Conference With Legal Counsel (Govt Code Section 54956.9(d)(1))**
Existing Litigation Conference, Baka v. City of Belmont, San Mateo Superior Court No. CIV 523248; (Marburger)

Attended by: Councilmembers Lieberman, Stone, Mates, Kim. Councilmember Hurt was absent.

ADJOURNMENT at this time, being 6:55 P.M.

Terri Cook
City Clerk

REGULAR MEETING
CALL TO ORDER 7:05 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Lieberman, Stone, Mates, Kim
COUNCILMEMBERS ABSENT: Hurt

PLEDGE OF ALLEGIANCE

Led by Carlmont High School Interns

REPORT FROM CLOSED SESSION

City Attorney Rennie stated there were no reportable actions from the Closed Session held earlier.

SPECIAL PRESENTATIONS

Recognition of Achievement by Babe Ruth Little League

Mayor Kim presented the coaches, scorekeeper, and team members with certificates of achievement.

Recognition of the San Mateo Daily Journal's Girls' Athlete of the Year, Ashley Trierweiler (Carlmont High School)

Mayor Kim presented Ashley Trierweiler a certificate of achievement for being named the San Mateo Daily Journal's Girls' Athlete of the Year. Ms. Trierweiler thanked her family and her

teammates.

Recognition of Carlmont High School Summer Interns

Human Resources Director Dino provided a history of the program and described the application and selection process. Mayor Kim presented certificates of achievement. The interns commented regarding their experiences.

RECESS: 7:35 P.M.

RECONVENE: 7:40 P.M.

Presentation by Peninsula Clean Energy (PCE)

Jan Pepper, CEO of Peninsula Clean Energy (PCE) explained how PCE sources energy from green sources. She noted that all customers served within the boundaries of PCE were brought into the program by April of 2017, and she pointed out that less than 3 percent opted to remain with PG&E. She outlined cost savings by selecting renewable energy sources and noted that the City of Belmont is one of 15 cities in the county to opt into using 100 percent renewable sources. She described the environmental benefits by going to 100 percent. She explained that a new solar power plant will soon be built in Merced County to serve the peninsula. She described upcoming programs.

Councilmember Stone described the collaborative effort that brought PCE to a successful enterprise. He pointed out that all San Mateo County cities and all councilmembers in each city participated and voted yes.

Councilmember Mates noted that the amount of money held by PCE to be deployed for projects speaks highly of a good organization.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Mary Morrissey Parden, Belmont Chamber of Commerce, announced the upcoming Water Dog Run and Wine and Beer Walk at the Carlmont Shopping Center.

COUNCILMEMBER ANNOUNCEMENTS

Councilmember Stone mentioned the upcoming Save the Music event on October 1.

Councilmember Mates spoke regarding the recent National Night Out event. She congratulated the Community Development Department for receiving an APA (American Planners Association) award for the recent General Plan, Belmont Village Specific Plan and Climate Action Plan reports. She spoke regarding an upcoming Disaster Preparedness Day at the County Event Center.

Mayor Kim urged voters to drive carefully now that schools have begun to open. He noted that some infrastructure projects are still under way. He described the Hashtag (#Belmont) campaign that is under way on the electronic billboard on Highway 101. He spoke regarding recent ribbon cuttings at the new gas station/7-11 and the Autobahn dealership. He noted that Firefighter Brent Nolan retired after 19 years of service, and that applications being accepted for YAC (Youth Advisory Committee). He announced upcoming Movie Nights in Twin Pines Park. He pointed out

that evening hours for off-leash dogs at Barrett are ending, and that the morning hours will continue.

QUESTIONS REGARDING ITEMS ON CONSENT CALENDAR

In response to Councilmember Mates' inquiry regarding the next steps relative to the Electric Vehicle Report, Public Works Director Oskoui explained that a deployment strategy is being worked on. He clarified that this will be a capital improvement project, and grants will be needed for installation of infrastructure. He pointed out the opportunity for public-private partnerships.

Councilmember Mates stated she is in favor of the project, and Councilmember Stone pointed out that there are members of the community who have expertise that could be tapped.

Councilmember Mates expressed support for opposition to Proposition 6 on the November ballot, and supports projects being funded by SB 1. Councilmember Stone explained that the Sam Trans Board took a similar position to the one being proposed on the consent agenda. He pointed out that the City of Belmont does not often take positions on statewide propositions, but noted that the repeal of SB 1 could be catastrophic. He noted that monies are used to fund needed highway infrastructure improvements. Councilmember Lieberman noted that Proposition 6 has implications for the City of Belmont. Mayor Kim cited the need to reinvest in public infrastructure.

ITEMS APPROVED ON CONSENT CALENDAR

Minutes of Special and Regular Council Meeting of June 12, 2018

Minutes of Special and Regular Council Meeting of June 26, 2018

Resolution 2016-063 authorizing the Mayor to sign the Amended Joint Exercise of Powers Agreement, Supplemental Agreement VIII, establishing Silicon Valley Clean Water ("SVCW"), formerly South Bayside System Authority, relating to the designations and Assignments of Treasurer and Controller roles

Resolution 2018-064 updating the City's Conflict of Interest Code to account for the addition, deletion, and modification of positions listed as "designated employees"

Resolution 2018-065 authorizing a task order with CSG Consultants for applicant funded on-call development review services for an amount not to exceed \$90,000

Resolution 2016-066 accepting the dedication of a 5' public utility easement (PUE) and public right-of-way (ROW) at 699 Ralston Avenue (APN 040-332-280)

Resolution 2018-067 authorizing the City Manager to execute a 3-year professional services agreement with Geographic Information Services

Receive information about the Electric Vehicle Supply Equipment Siting Plan for the City of Belmont

Resolution 2018-068 authorizing the City Manager to enter into a cost sharing agreement with OTO Development for the replacement of the sewer line on Shoreway Road in the amount of \$1,134,112

Resolution 2018-069 opposing Proposition 6, which would repeal Senate Bill 1 (SB 1), also known as the "Road Repair and Accountability Act"

Motion to Receive Monthly Financial Reports

ACTION: On a motion by Councilmember Stone, seconded by Councilmember Mates, the Consent Agenda was unanimously approved (4-0, Hurt absent).

PUBLIC HEARINGS

Zoning Ordinance Amendment - Floor Area Transfer within HRO2

Mayor Kim explained that he has a relationship with someone involved with this issue, and cited the need to recuse himself from participating. He turned the gavel over to Councilmember Lieberman, stepped off the dais and out of the room.

Associate Planner Dietz provided a history of San Juan Hills Area Plan (SJHAP) and described the goals and objectives of the Plan. He pointed out that an application was received to amend a section of the plan to expand the geographical region where floor area can be transferred. He outlined the Planning Commission's review and recommendation to adopt the amendment. He outlined specific impacts of proposed amendment, and explained that a finding needs to be made that the amendment is consistent with the goals and policies of the General Plan and the San Juan Hills Area Plan.

Discussion ensued regarding the mechanism for purchase of floor area from one lot to another, and retiring the sending lot into a permanent private conservation easement.

Associate Planner Dietz clarified that receiving lots need to be on already-improved roads with infrastructure in place.

Community Development Director pointed out that the amendment could create a disincentive to develop a road in areas where there are no developed roads.

Maya Fallaha, project applicant, stated she has been attempting to build a home for several years, and the proposed amendment would allow for the development of the home. She stated that the proposed amendment meets the goals and objectives of General Plan and the San Juan Hills Area Plan, and that the amendment could better serve the goals and objectives.

Councilmember Lieberman opened the Public Hearing.

Phillip Hertel, Belmont resident, stated that the goal of the Plan is to transfer from less buildable to more buildable lots, and there are no other means available in the San Juan area. He stated there are no lots for sale on his street, and the amendment would allow a larger pool of properties from which to purchase.

Mark Schulte, Belmont resident, disagrees that the proposed amendment meets the goals of the original plan. He expressed concern regarding the impact of properties on the hillside that is being developed due to liability and the maintenance of retired lots.

Carol Rossi, Belmont resident, expressed concern regarding the liability for conservation easements. She pointed out there has been an inconsistent level of maintenance of existing

conservation easements.

Yvonne Ong, Belmont resident, opposes the proposed amendment because it disproportionately affects one specific neighborhood, Ralston Ranch. She expressed concern regarding overbuilding on existing unstable slopes. She pointed out that the applicant could build a home under existing rules.

Mohammed Bailony, San Mateo resident/applicant, clarified that only a 900 square foot home could be built. He pointed out this amendment will not promote development.

Kamal Fallaha, San Carlos resident, noted that deep piers required for homes on hillside can stabilize the hillside. He expressed support for the amendment.

Kip Leung, Belmont resident, noted that sending lots could be worth more under the amendment. He expressed concerns regarding unintended consequences and economic impact.

Max Reinhardt, San Carlos resident/real estate agent, commented that the value of sending lots will not likely increase under the proposed amendment. He noted that that most owners of vacant lots are seeking to sell properties and recoup investment. He suggested seeking public ownership of conservation easement lots to address maintenance.

Community Development Director de Melo noted that building a structure would stabilize hillsides, and that any development needs to meet current codes, requires geotechnical review, and still need to go through single family design review. He pointed out that an open space management plan is put into place on conservation easements, which is subject to code enforcement. He noted that some conservation easements not under the current floor area transfer program could be owned by absent owners who do not maintain the property.

Discussion ensued regarding floor area ratio. Associate Planner Dietz described the floor area exception process for R1B zones.

ACTION: On a motion by Councilmember Stone, seconded by Councilmember Mates, the Public Hearing was closed.

City Attorney Rennie pointed out that the SHJAP contemplated larger homes in the HRO zone to incentivize the creation of open space.

Councilmember Stone stated he is not concerned regarding hillside stabilization, as there are regulations in place to address that issue. He wants to protect undeveloped lots and keep them undeveloped. He pointed out that people with resources could develop the infrastructure necessary to build deep into the canyon, and the amendment is likely to retire more vacant lots from development. He is concerned regarding fire hazard with absent owners. He can support the amendment.

Councilmember Mates stated that the Planning Commission's process and review is robust. She pointed out that changes often need to be made to projects based on geotechnical reports. There is a process in place for property maintenance. She supports the amendment.

Councilmember Lieberman stated that the current language meets the goals and objectives of the SJHAP, and that the amendment meets them even more so. He pointed out it encourages development on developable lots and retires lots permanently. He expressed concern regarding the maintenance of vacant lots, and there may be a need to look into further procedures regarding maintenance. There are negative consequences to people living in very small homes with large garages. The proposed amendment is likely to lead to more open space and less development in the canyon.

ACTION: On a motion by Councilmember Mates, seconded by Councilmember Stone, and unanimously approved (3-0, Hurt absent, Kim recused) to introduce an ordinance amending Belmont Zoning Ordinance Section 4.7.11 (d) to allow floor area transfers between parcels anywhere within the HRO-2 Zoning District.

RECESS: 10:00 P.M.

RECONVENE: 10:05 P.M.

At this time, being 10:05 P.M., Mayor Kim returned to the dais.

OTHER BUSINESS

Utility Box Art Designs

Parks and Recreation Director Shearer described the background of the project. She noted that 14 applications were received, and the committee recommended eight for approval. She outlined the next steps if the City Council approves designs. She pointed out that it was suggested that the Parks and Recreation Commission be the decision-maker for future designs.

ACTION: On a motion by Councilmember Lieberman, seconded by Councilmember Stone, and unanimously approved (4-0, Hurt absent) to approve the Park & Recreation Commission's Recommendations for Artist Designs on eight City-owned Utility Boxes.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

Councilmember Mates reported on a recent Barrett Ad Hoc Committee meeting.

Councilmember Stone described a subcommittee meeting related to the exclusive negotiating agreement with Linc housing for the Hill Street properties.

Councilmember Lieberman reported on a recent Silicon Valley Clean Water (SVCW) meeting.

Mayor Kim reported on a recent HEART (Housing Endowment and Regional Trust) meeting, as well as an Economic Development subcommittee.

Verbal report from City Manager

City Manager Scoles noted that some of Belmont's fire crew were deployed to the Carr fire in Redding. He reported that a new fire engine will be received shortly. He also commented regarding National Night Out.

Update from the Youth Advisory Committee (YAC) Liaisons (Kim/Hurt) on Status of this Year's YAC Appointment Process

Mayor Kim expressed support for moving the appointment process back to staff. He cited the need to address the length of term.

Council concurred to schedule a future discussion to further refine this program.

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Request for Support for Diesel Free by '33 Campaign

Mayor Kim explained the Bay Area-wide initiative to phase out diesel use by 2033 as a way to reduce gas emissions. He noted that this is a nonbinding plan.

Council concurred to authorize Mayor to sign Diesel Free by '33 Statement of Purpose.

Request to Support Strong Action on Deployment of Zero-Emission Buses

Mayor Kim noted that Sam Trans has led the effort to move towards zero-emission buses. He pointed out that this is an accelerated program.

Council concurred to authorize the Mayor to sign the letter of support for this program.

MEETING EXTENSION: At this time, being 10:30 p.m., on a motion by Councilmember Stone, seconded by Councilmember Lieberman, the meeting was unanimously extended (4-0, Hurt absent).

Mayor Kim requested a future report and discussion regarding electric vehicle charging stations, and he expressed an interest in revisiting the off-leash program at Barrett.

ADJOURNMENT at this time, being 10:40 P.M., in memory of Mary Pearsall Stone, mother of Charles Stone.

Terri Cook
City Clerk